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5 CHASOM BROWN, et al.,
6 Plaintiffs,
7 v.
8 GOOGLE LLC,
9 Defendant.

Case No. 20-cv-03664-YGR (SVK)

**ORDER ON ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
UNDER SEAL**

Re: Dkt. No. 398

10 Before the Court is Plaintiffs' administrative motion to file under seal materials associated
11 with a discovery dispute in this case. Dkt. 398; *see also* Dkt. 407.

12 Courts recognize a "general right to inspect and copy public records and documents,
13 including judicial records and documents." *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d
14 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7
15 (1978)). A request to seal court records therefore starts with a "strong presumption in favor of
16 access." *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d
17 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to
18 court records depends on the purpose for which the records are filed with the court. A party
19 seeking to seal court records relating to motions that are "more than tangentially related to the
20 underlying cause of action" must demonstrate "compelling reasons" that support secrecy. *Ctr. For
21 Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to
22 motions that re "not related, or only tangentially related, to the merits of the case," the lower
23 "good cause" standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party
24 moving to seal court records must also comply with the procedures established by Civil Local
25 Rule 79-5.

26 Here, the "good cause" standard applies because the information the parties seek to seal
27 was submitted to the Court in connection with discovery-related motions, rather than a motion that
28 concerns the merits of the case. The Court may reach different conclusions regarding sealing

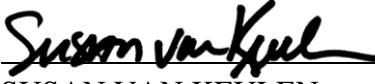
United States District Court
Northern District of California

1 these documents under different standards or in a different context. Having considered the
 2 motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the
 3 Court **ORDERS** as follows:

4 Document Sought to be 5 Sealed	6 Court's Ruling 7 on Motion to 8 Seal	9 Reason(s) for Court's Ruling
10 Joint Letter Brief Re: 11 Plaintiff's Request for an 12 Additional Google 13 Custodian (Dkt. 399)	14 GRANTED as to 15 redacted portions at 16 pages 1-4	17 Narrowly tailored to protect 18 Google's confidential and 19 proprietary information regarding 20 features of Google's internal systems 21 and operations, including details related to internal projects, identifiers, metrics, and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cyber security threats, as third parties may seek to use the information to compromise Google's internal practices.

22 **SO ORDERED.**

23 Dated: February 22, 2022

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 26 SUSAN VAN KEULEN
 27 United States Magistrate Judge
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